

of oil. The vast majority of oil that is delivered is by government-owned entities. Not ours, but foreign government-owned entities. We have made it all but impossible to drill for oil within the continental United States, especially on Federal grounds. And again, it is environmental extremism that is stopping that.

I want people to have jobs. I also want to go full bore in all of these other alternative forms of energy that hopefully will alleviate some of this dependency we have, but we can alleviate a lot of our dependency by doing the oil shale work in Colorado, Wyoming, and in my home State of Utah. That needs to be done. It takes one acre to produce 5 barrels of ethanol. I'm a big fan of ethanol incentives, as I've said. However, Mr. President, do you realize how much oil can be achieved from 1 acre in oil shale in those tri-State areas? It is between 100,000 and 1 million barrels of oil. And we are just letting it sit there because we can't get the leases and my friends on the other side of the aisle are specifically blocking it.

Because of liberal, excessive environmental restraints, we can't get American oil to save America. We can't drill in American waters. China is. They are coming right over to our waters and drilling for oil that we can't drill for because of these extremists. And they blame 6 percent of the world's oil-producing companies and say they are the cause of all these problems? Give me a break. It is about time we wake up. Sure, politically it sounds good, but practically and scientifically it is total bull corn, I think may be my best way of describing it.

I am for all these environmental things too, but I want it to work. I don't want it to be a political exercise so one side can win over the other.

JUDICIAL NOMINEES

Mr. HATCH. Now, Madam President, I want to change the subject for a minute. I need to make a few remarks on the ongoing effort to conduct something that resembles a fair and productive judicial confirmation process, which is something that is bothering me here today as well. As you can see, I am not in a good mood.

It looks obvious that the commitment by leaders on the other side of the aisle to confirm three more appeals court nominees by the Memorial Day recess is not going to be met. Failure was not inevitable. There was a clear path to keep that commitment with nominees who had long ago been fully vetted, nominees who have been pending for up to 2 years, highly qualified nominees with the highest ratings from the American Bar Association and who have the support of their home State Senators.

My friends on the other side of the aisle knew how to keep their commitment, but instead they chose the path of greatest resistance, the path with the greatest chance of failure. And fail-

ure is exactly what is happening. These days, we often make comparisons between how President Bush's nominees are being treated today and how President Clinton's nominees were treated. Now here is one more comparison to consider.

In November 1999, Majority Leader Trent Lott promised to hold a vote by May 15, 2000 on two of President Clinton's most controversial judicial nominees, with my consent as the Judiciary Committee chairman, Richard Paez and Marsha Berzon to the Ninth Circuit, two very liberal nominees. These nominees were opposed by hundreds of grassroots groups. Their records caused a great deal of angst among many Senators on this side of the aisle. The majority leader did not make his commitment in vague, fuzzy terms. He named names, picked dates, and stated objectives. He made a commitment and he kept it, and they both sit on the Ninth Circuit Court of Appeals to this day.

They were both competent. Would I have nominated them? No. Would a Republican President have nominated them? No. But they were competent, they did have the approval of the ABA, and they deserved a vote up or down and they got it.

We took a cloture vote to ensure there would be no filibuster, and confirmed those controversial nominees on March 8, 2000, a week earlier than promised. It is a very different situation today.

I wish to address some other issues that highlight the current state of the judicial confirmation process. Talking about numbers, percentages, and comparisons makes some people's eyes glaze over, while others have trouble sorting out the dueling figures. If enough confusion exists, the American people might not fully appreciate what is going on. But as our former colleague from New York, the late Senator Daniel Patrick Moynihan once said—a friend of mine—"You are entitled to your own opinion but not to your own set of facts."

I believe facts matter. I believe the truth matters. Some have claimed the Senate has confirmed 86 percent of President Bush's judicial nominees compared to only 75 percent of President Clinton's. This claim is either true or false. If you believe, as I do, that the truth matters, then it is important to know the answer. What is true? The most recent figures from the Congressional Research Service show the Senate has confirmed 85 percent of President Bush's appeals court nominees compared to 84 percent of President Clinton's nominees. That is about as nonpartisan and objective a source as you can find. It turns out the Senate confirmed, not 75 percent of President Clinton's judicial nominees but 84 percent. No matter how you slice, dice or spin it, this claim is not true.

Another claim often repeated on the Senate floor by Democrats is that when I chaired the Judiciary Committee, I blocked more than 60 of Presi-

dent Clinton's judicial nominees by denying them a hearing. Some claims, apparently, need not be true as long as they are useful. In this one, the judicial confirmation version of the urban myth seems useful indeed, based on the number of times it is repeated in various versions and permutations. This claim is no more true than the first one I mentioned. Some Clinton nominees were not confirmed. Some nominees of every President are not confirmed.

In 1992, George Herbert Walker Bush left office, the Senate was controlled by the same party as today, the Democratic Party, and returned more than 50 unconfirmed judicial nominees to President Bush. I don't recall that we stood and moaned and groaned like is going on today, at this time. We didn't. The fact is, that is what happens at the end of a Presidential term. The claim being made today, however, is all those unconfirmed Clinton nominees could have been confirmed but were not, solely because I, as chairman, refused to give them hearings.

This is one of those claims that some apparently hope no one will bother to unpack and sort out. But consider this. A dozen of those nominees were not confirmed because President Clinton withdrew them. He actually withdrew them. That was not my prerogative as chairman. That was his prerogative as President. It continues to baffle me how the Judiciary Committee chairman can be blamed because nominees who no longer exist were not confirmed. Many of those unconfirmed nominees did not have the support of their home State Senators. Judiciary Committee chairmen of both parties, before me and after me, including the current chairman, do not give hearings to nominees without the support of their home State Senators. That is a matter of fact.

We also hear the claim that in Presidential election years, the judicial confirmation process is, to quote the current Judiciary Committee chairman, "far less productive."

Once again, this claim is not true. The average number of appeals court nominees given hearings and the number of judicial nominees confirmed goes up, not down, in Presidential election years.

Finally, we hear the astounding claim that Republicans are supposedly obstructing the nomination of Judge Helene White to the Sixth Circuit because we have asked her questions about her record, her qualifications, and her judicial philosophy. Judge White was nominated less than 2 months ago, and the Judiciary Committee was given just 22 days from her nomination until her hearing—a period far shorter, even, than noncontroversial nominees over the years.

We had 70 days before Seventh Circuit Court nominee John Tinder's hearing, for example, and 120 days before Second Circuit nominee Debra Livingston received a hearing. We had only 22

days this time and the chairman close to waive his own rule and hold a hearing without an evaluation from the American Bar Association, something we still do not have today for Judge White.

That is a party that insisted we always have the ABA evaluation in—for Republican nominees.

So written questions following the hearing were entirely in order. The number of questions asked of Judge White pales in comparison to the number of questions my friends on the other side have asked of President Bush's judicial nominees who had been pending far longer and for whom we had received an ABA—American Bar Association—evaluation.

We had 112 days before Fifth Circuit nominee Jennifer Elrod's hearing, for example, more than five times longer than we had with Judge White. Yet my Democratic friends gave Judge Elrod 108 questions, far more than Judge White has received. After all that, the Senate confirmed Judge Elrod by voice vote.

I might add, to mention a nonjudicial nominee, Grace Becker, who was nominated 189 days ago to head the Civil Rights Division. She has received 250 questions from my Democratic friends. I hear they are not done yet. It is as though no Republican should have the job of heading the Civil Rights Division. Grace is a former counsel on the Judiciary Committee and is well known to all of us as a woman of intellect, character, and compassion. She is a Eurasian woman with whom I think nobody can find one iota of fault.

A few days ago, the current Judiciary Committee chairman said the judicial confirmation process reminded him of the fairytale, "Goldilocks and the Three Bears." Sometimes it reminds me, instead, of the episode of the sitcom "Seinfeld" about "Bizarro World." That is the world where everything up is down, left is right, and everything is not as it seems. In the "Bizarro World" of today's judicial confirmation process, a plan almost certain to fail is called a commitment; 84 is called 75; a senatorial courtesy see is called a pocket filibuster; being more productive is being called being less productive; and due diligence is being called obstruction. I believe the facts and the truth matter, even in the judicial confirmation process, in spite of some of this rhetoric.

WARTIME SUPPLEMENTAL APPROPRIATIONS BILL

Mr. HATCH. Madam President, In February I addressed the Senate about our progress in Iraq. I categorized the results of General Petraeus' comprehensive counterinsurgency strategy as being remarkable.

When General Petraeus first began to implement his strategy 16 months ago, I was optimistic. However, I must admit that I did not expect to see the level of success that has been accomplished in such a short period of time.

What are those accomplishments?

Al-Qaida has largely been removed from its sanctuaries in Ramadi, Fallujah, Baghdad and much of the Diyala province. I went there when all those were seemingly under Al-Qaida control. I also went back and walked the streets of Ramadi after the surge. That was the second trip.

Make no mistake, these are major victories.

However, what has largely gone unnoticed by the media, is that even in the less than 2 months since General Petraeus and Ambassador Crocker came before Congress, these successes have continued and expanded.

Which leads me to ask the obvious question? Why, with all of these accomplishments that were attained through the blood, sweat and tears of our service members and their families, do the members on the other side of the aisle insist upon throwing it all away by setting arbitrary deadlines for the removal of the bulk of our forces from Iraq?

The only logical answer is that instead of attempting to devise a cohesive strategy that achieves victory, the Democrats are more interested in pandering to the appeasement wing of their party in a misguided attempt to curry political favor.

This is a strategy for defeat and national shame.

I repudiate such an approach. My colleague, Senator McCain repudiates such an approach. And I believe the American people will repudiate this approach once they have all of the facts that somehow continue to escape widespread coverage by our media. Why don't they tell the truth? Why don't they tell about the successes?

But before I discuss the most recent accomplishments of U.S. and Iraqi forces, I believe it is important for the American people to understand one of the elements behind our recent success.

General Petraeus' strategy is based upon the classic counterinsurgency tactic of providing security to the local population, thereby enabling the government to restore services to its people. This, in turn, creates in the population a vested interest in the success of government institutions.

One of the ways this is accomplished is through the use of Joint Security Stations. Under this tactic, a portion of a city, such as a neighborhood, is cordoned off then searched for insurgents. Previously, once this was accomplished, our forces would return to large forward-operating bases, usually on the periphery of that city. The result was easy to predict, the insurgents would return once the sweep had concluded.

Under General Petraeus' strategy, our forces remain in the neighborhood and build Joint Security Stations, which then become home to a company-sized unit of American service members, as well as Iraqi army and police units. They live together. These facilities not only help secure the sur-

rounding area, but simultaneously enable our forces to train and evaluate Iraqi forces. Much like the police officer walking a beat in a major city, our forces use the Joint Security Station to learn about the locale where they are assigned and can quickly adapt to meet the unique security needs of the individual community. This, in turn, permits the creation of vital infrastructure projects that provide power, clean water and schools to these newly secured areas. This instills within the people in the area a desire for the security and civil services to continue; which, in turn, strengthens the population's support for an effective government to maintain these improvements. The success of these Joint Security Stations can be seen in their creation throughout Iraq, with more than 50 of them in Baghdad alone.

But, as I previously stated, since General Petraeus' testimony in February, the Coalition has only added to the accomplishments of al Anbar, Baghdad, and Diyala.

At the time of General Petraeus' testimony, many lauded these successes. But many also pointed to three major challenges that continued to face the Coalition.

The first major challenge was in this northern city of Mosul. Despite the fact that al-Qaida has largely been thrown out of its former sanctuaries in central Iraq, the terrorists have retreated to and are regrouping their forces in this northern city. It should also be noted that al-Qaida has used Mosul as a key logistics, transportation and financial center. In fact, Reuters has quoted U.S. military officials as saying that Mosul is al-Qaida's last major urban stronghold in Iraq.

Second, the Iraqi government did not have control of the vital southern city of Basra, which was dominated by a number of Shiite factions. As my colleagues well know, Basra is home to Iraq's only seaport and the area surrounding the city is the location of much of the nation's oil wealth.

Third, the Iraqi Government did not have control of a neighborhood in eastern Baghdad known as Sadr City, a predominately Shiite district that is a center of support for Moktada al-Sadr.

However, since General Petraeus' testimony there have been remarkable changes in Mosul, Basra, and Sadr City.

First, I must say that I am increasingly confident about the Coalition's chances for making positive advances in Mosul.

Remember, shortly after the fall of Saddam Hussein's government, General Petraeus, then a major general in command of the 101st Airborne Division, was responsible for restoring order in Mosul. It was here that General Petraeus was first able to implement and refine his theories on counterinsurgency warfare and was largely successful in securing the city.